IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2315 OF 2007

Vishnu Shantappa Koli. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

R.D.Suryawanshi for the applicant.

Ms.M.H.Mhatre, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 31st July 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. The applicant was arrested under C.R.No.I-36/2007 registered with Ambarnath Police Station for the offences punishable under sections 302, 324, 34 of Indian Penal Code and section 25(1)(a) and 27 of the Arms Act.

3. This application is moved by the applicant under section 439 of Cr.P.C. for bail. The earlier application moved by the applicant before the Sessions Court was rejected by the Ad-hoc District Judge-1 and Addl. Sessions Judge, Kalyan vide order dated 5th June, 2007. Learned counsel for the applicant took me through the F.I.R. available on record and brought to

my notice the role played by the present applicant at the time when the offence was committed by other co-accused in the company of the present applicant. The present applicant only appears to have assaulted the complainant- Shankar Narayan Koli with fist blows and threatened him.

4. Considering the role of the applicant in commission of the offence, in my view, he would be entitled to bail. In the circumstances, I am inclined to grant bail to the applicant, subject to the following conditions:

(a) The applicant, arrested in connection with C.R.No.I-36/2007 registered with the Ambarnath Police Station, Thane shall be enlarged on bail in the sum of Rs.25,000/- with one or two local sureties to make up the said amount.

(b) The applicant shall report to the Ambarnath Police Station once in a week, i.e. on every Monday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his

place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

5. Application stands disposed of accordingly.

JUDGE